

STATE OF TEXAS       §  
COUNTIES OF ARANSAS   §  
SAN PATRICIO AND NUECES   §  
CITY OF ARANSAS PASS   §

On this the 7th day of April, 2014 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT:	Adan Chapa	Mayor
	Phillip Hyatt	Mayor Pro Tem
	Ramiro Gomez	Council Member
	Billy Ellis	Council Member
	Vickie Abrego	Council Member

ABSENT:

ADMINISTRATIVE

PERSONNEL PRESENT:	Allen Lawrence	City Attorney
	Sylvia Carrillo	City Manager
	Yvonne Stonebraker	City Secretary

ADMINISTRATIVE

PERSONNEL ABSENT:

STAFF PRESENT:	Amanda Torres	Administrative Assistant
	Michael Holmes	Building Official
	Eric Blanchard	Police Chief
	Paul Alvarado	Public Works Director
	Jeff Martin	I.T.
	Jacob Ostrom	Interim Aquatics Director
	Bill Haines	Emergency Mgmt/Admin. Coordinator
	James Hale	Street Supervisor
	Cory Elrod	Code Enforcement
	Daphne Garramore	Permit Technician
	J.P. Gonzales	Head Meter Reader
	Ron Howe	Municipal Court Judge
	Rick Kilgore	Fire Chief
	Margarita Willhelm	GIS Intern

OTHERS PRESENT: Barry Dill, Rosemary Vega, Donald and Jeanie Brummett, Roland Pena, Troy Galvan, Victor Gonzalez, Matthew McElroy, Juan Perales, Jr., Annita West, Jeanne and Randy Hunter, Josh Hussong, Shane Pierre, David Harris, Joan Dickson, Dustin Spiers.

*There may have been others present who did not sign in.*

1. CALL MEETING TO ORDER.

Mayor Chapa called the meeting to order at 7:00 PM.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.

Mayor Chapa gave the Invocation and led the Pledge of Allegiance to the United States Flag.

3. CONSENT AGENDA – “All of the following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately”.

a. CONSIDER AND ACT ON MINUTES ON MARCH 26, 2014.

b. CONSIDER AND ACT ON ORDINANCE NO. 2014-4064 – AN ORDINANCE AMENDING THE CITY OF ARANSAS PASS CODE OF ORDINANCE; CHAPTER 16 – LIBRARY; SECTION 16-2 LIBRARY BOARD – COMPOSITION; OFFICERS AND MEETINGS; SECTION 16-3 SAME – EX OFFICIO MEMBERS; SECTION 16-4 SAME – APPOINTMENT OF LIBRARIAN; PROMULGATION OF RULES AND REGULATIONS; SECTION 16-6 ASSISTANTS AND EMPLOYEES; BOOKS, ETC.

c. CONSIDER AND ACT ON APPROVING REPUBLIC SERVICES AS THE CITY OF ARANSAS PASS SOLID WASTE PROVIDER.

Motion Made By: Mayor Pro Tem Hyatt

Seconded By: Council member Ellis

Votes: Aye: Abrego, Ellis, Gomez, Hyatt, Chapa

Nay:

Discussion: Mayor Pro Tem Hyatt made a motion to accept the consent agenda. Council member Ellis seconded the motion and the motion carried unanimously.

4. CONSIDER AND ACT ON PRESENTATION OF CERTIFICATES FOR 2013-14 REGIONAL CHAMPION ARANSAS PASS PANTHER BASKETBALL TEAM BY MAYOR ADAN CHAPA.

Motion Made By: No action.

Seconded By:

Votes: Aye:

Nay:

Discussion: Certificates were presented to the APHS Basketball Team by Mayor Adan Chapa and the City Council.

5. CONSIDER AND ACT ON APPROVING REQUEST OF MR. ROLAND PENA FOR A FACILITY LICENSE AGREEMENT AT THE CITY OF ARANSAS PASS SOFTBALL COMPLEX LOCATED BY A.P. AQUATIC CENTER.

Motion Made By: Council member Abrego

Seconded By: Council member Gomez

Votes: Aye: Abrego, Gomez, Ellis, Hyatt, Chapa

Nay:

Abstain:

Discussion: Mr. Pena stated that he was trying to help the town with his softball league. His current agreement is \$600 if the Police Department decided to continue the league. Several different options were discussed to cover the cost of lighting and public works staff. Council member Abrego made a motion to accept the alternate proposal of \$400.00 rental agreement, an additional \$200.00 for the police department/fire department team, \$51.00 for field servicing and \$62.00 for lighting for a total of \$713.00 a month. Council member Gomez seconded the motion and the motion carried unanimously.

**6. CONSIDER AND ACT ON AWARDING DISASTER RECOVERY ROUND 2 – BULKHEAD PROJECT TO RVE ENGINEERING COMPANY.**

Motion Made By: Mayor Pro Tem Hyatt

Seconded By: Council member Ellis

Votes: Aye: Abrego, Ellis, Gomez, Hyatt, Chapa

Nay:

Abstain:

Discussion: Staff recommended awarding to RVE, Inc., which is one of the firms chosen to be the City's official engineering firms. The work must be completed by the end of the year or the City will lose money. Mayor Pro Tem Hyatt made a motion to award Disaster Recovery Round 2 – Bulkhead Project to RVE. Council member Ellis seconded the motion and the motion carried unanimously.

**7. CONSIDER AND ACT ON APPROVING ITEMS FOR THE ARANSAS PASS POLICE DEPARTMENT:**

**a. PURCHASE OF AMMO FOR POLICE FIREARMS TRAINING.**

**b. ACCEPTANCE OF DONATION AND PURCHASE OF 4X4 DODGE RAM TRUCK FROM ALLEN SAMUELS, ARANSAS PASS.**

**c. PURCHASE OF THREE POLICE PATROL VEHICLES AND ASSOCIATED EQUIPMENT.**

**d. CHIEF ERIC BLANCHARD ENTERING INTO A 5 YEAR AGREEMENT WITH EMERGENCY CALL WORKS; DATAMASTER INC.; DEPARTMENT OF INFORMATION RESOURCES/COMMUNICATIONS TECHNOLOGY SERVICES DIVISION (DIR/CTS); GREATER HARRIS COUNTY 911 DISTRICT; AND, VERIZON FOR THE PURCHASE AND CONTINUOUS USE OF NEXTGEN 911 SAAS FOR 911 OPERATIONS.**

Motion Made By: Council member Abrego

Seconded By: Mayor Pro Tem Hyatt

Votes: Aye: Abrego, Ellis, Gomez, Hyatt, Chapa

Nay:

Discussion: Chief Blanchard gave updates on each of the items.

- a. Chief Blanchard explained the purchase was to expand the department's firearms training. The ammunitions would be purchased out of the drug seizure fund.
- b. Bill Denton of Allen Samuels approached the Police Department about offering the donation/purchase of a 4x4 Dodge Ram Truck. Several dealer incentives were offered, leaving the remaining balance at just over \$16,000.00. Chief Blanchard explained that money for the purchase would be taken from the drug seizure fund.

- c. Chief Blanchard explained that bids on two 4x4 trucks would be accepted from Allen Samuels and a bid for an SUV would be accepted from Commercial Motor Company. Allen Samuels had a better truck page. The purchases would be funded by a combination of federal drug seizure money, a grant from the Ed Rachal Foundation and Crime Board funding.
- d. Police staff sought a replacement 911 call system for its current Verizon system. Three different systems were looked at: Verizon, Entrado and Emergency Callworks. Emergency Callworks was judged to be the best solution, being called an “evergreen” or continually updating solution. Portland has also decided to go with the same company and is just working on deploying. The system will be funded by the Crime Board but needs council approval. Council member Abrego asked what backup was available if Crime Board no longer could fund the project. Chief Blanchard responded that there was no backup but that the funds would have to come out of the budget. Nevertheless, the City had no choice but to go with one of the options because a 911 call system is necessary.

Council member Abrego made a motion to approve items a-d as recommended by Chief Blanchard. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

**8. CONSIDER AND ACT ON APPROVING ITEMS FOR THE ARANSAS PASS PUBLIC WORKS DEPARTMENT:**

- a. PAYMENT APPROVAL FOR MARCH 2014 FUEL PURCHASE FROM SUSSE PETROLEUM NOT TO EXCEED \$17,852.81.**
- b. PAYMENT APPROVAL FOR APRIL 2014 FUEL PURCHASE FROM SUSSE PETROLEUM NOT TO EXCEED \$12,860.00.**
- c. PURCHASE OF ASPHALT ZIPPER NOT TO EXCEED \$125,000.**

Motion Made By: Mayor Pro Tem Hyatt  
 Seconded By: Council member Abrego  
 Votes: Aye: Abrego, Ellis, Gomez, Hyatt, Chapa  
 Nay:

Discussion: City Manager Carrillo explained that the Public Works department needed to go out for RFP for fuel services. Public Works staff had previously said that while the other provider is cheaper, the fuel is of lower quality. She also explained that the purchase of the Asphalt Zipper had no budgetary impact this year.

Mayor Pro Tem Hyatt made a motion to approve to pay the March and April 2014 fuel purchases from Susser Petroleum and also to purchase the Asphalt Zipper not to exceed \$125,000.00. Council member Abrego seconded the motion and the motion carried unanimously.

**9. CONSIDER AND ACT ON APPROVING ITEMS FOR THE ARANSAS PASS BUILDING DEPARTMENT.**

- a. TO CORRECT THE MINUTES FROM THE APRIL 1, 2013 CITY COUNCIL MEETING; AGENDA ITEM # 10, “COUNCIL MEMBER MILLS MADE THE MOTION TO APPROVE THE REQUEST OF MR. KYLE ALSTON FOR A CONDITIONAL USE PERMIT TO REZONE**

FROM (AG) AGRICULTURE DISTRICT TO (GB) GENERAL BUSINESS” BY STRIKING OUT THE WORDS CONDITIONAL USE PERMIT.

b. REMOVING MANUFACTURED HOME USE FROM ALL ZONING DISTRICTS WITH THE EXCEPTION BEING (MH) MANUFACTURED HOME DISTRICTS AND ALLOW CONDITIONAL USE ONLY ON R-7B SINGLE-FAMILY DWELLING DISTRICT.

c. REQUEST OF YIN, INC. TO RE-ZONE FROM (GB) GENERAL BUSINESS DISTRICT TO (MH) MANUFACTURED HOUSING DISTRICT AND TO COMBINE (RE-PLAT) THE REQUESTED RE-ZONED PROPERTY LISTED ABOVE TO PORTOBELLO VILLAGE, INC.

Motion Made By: Mayor Pro Tem Hyatt

Seconded By: Council member Abrego

Votes: Aye: Abrego, Ellis, Gomez, Hyatt, Chapa

Nay:

Discussion: City Manager Carrillo stated that items b-c would be on the next council meeting agenda. Mayor Pro Tem Hyatt made a motion to correct the minutes from the April 1, 2013 City Council meeting; Agenda Item #10, “Council member Mills made the motion to approve the request of Mr. Kyle Alston for a conditional use permit to rezone from (AG) agriculture district to (GB) general business” by striking out the words conditional use permit. Council member Abrego seconded the motion and the motion carried unanimously.

**10. CONSIDER AND ACT ON APPROVING ITEMS FOR THE ARANSAS PASS FINANCE DEPARTMENT:**

**A. INVOICES FROM RAILROAD MANAGEMENT COMPANY FOR PIPE CROSSING CONTRACT.**

Motion Made By: Mayor Pro Tem Hyatt

Seconded By: Council member Abrego

Votes: Aye: Abrego, Ellis, Gomez, Hyatt, Chapa

Nay:

Discussion: City Manager Carrillo explained that the railroad easement cost has increased from \$1.00 to \$900.00. She said that the City needed to look at realigning water and sewer lines. The City could opt to terminate the agreement but it would not be feasible at the moment until the lines are rerouted. Mayor Pro Tem Hyatt made a motion to approve the invoice from Railroad Management Company for pipe crossing contract. Council member Abrego seconded the motion and the motion carried unanimously.

**11. DISCUSSION OF DEVELOPMENT CODES AND REVISION TO PLATTING ORDINANCE AND ZONING CODES; PLANNING COMMISSION DATE OF APRIL 14, 2014.**

Discussion: City Manager Carrillo said that there were a number of development-related items that needed to be addressed. She said that the code that was in place is great, even better than state model subdivision rules. However, not following those rules result in dropping ISO rules. It is the City’s job to mitigate. While the City cannot control some rising insurance rates such as windstorm, it could drive down other insurances such as fire insurance. FM 2725 is an example of not enforcing city code.

If the City does not comply with subdivision regulations, the County could lose water development funds. For those who need to extend water or sewer lines, as well as streets, this could make way for pro rata share where those paying for the extension can recoup their losses once another landowner ties onto their extension.

Joan Dickson, real estate broker, commented that she was given the wrong information regarding street construction and water & sewer line extension. All three of her buyers had their mortgages approved. She insisted that the City not stop growth and make an in-between.

Dustin Spiers, property owner, said he bought five acres on W. Stoddard and 13<sup>th</sup> Street. When he tried to get a property address, he was told that he could not build on the road. He asked that the City Council waive for a septic system on his behalf. He stated that two residences were running on 1" water line. He continued on to say that there was a safety issue on the street because of negligence. He was willing to work with the City on a water main if they could reach an agreement. City Manager Carrillo responded that if the engineering firm found that a heavy emergency vehicle could bear the weight of the road, then the road would be acceptable. As for the water and sewer lines, the Council would have to define what is reasonably acceptable to tie on to a line. Council member Gomez asked how far Mr. Spiers was from a water or sewer line. City staff responded that he was about 900 feet from a line.

J.P. Gonzales commented that he felt that it was not the fault of the current Council that these development problems occurred but it still needs to be corrected. Additionally, he suggested that the City meet with local Realtors so they can communicate standards to their clients. City Manager Carrillo responded that the Chamber of Commerce was setting up a meeting with the Realtors.

David Harris commented that the City should not just patch up development problems but find a solution. He stated that somewhere the City had to draw a line.

Juan Perales, Jr. of LNV Engineering commented that his company had taken samples of the street that Mr. Spiers lives on and said that the street had a 3 inch crushed limestone base. City Manager Carrillo replied that City streets should have an 8 inch base minimum.

**12. CITY MANAGER UPDATES: NON-PROFIT SURVEY FOR CITY CONTRIBUTION; LNV ANNEXATION UPDATES; DEPARTMENT UPDATES: CODE ENFORCEMENT, BUDGET, POLICE, FIRE, EMERGENCY PLAN**

Updates: City Manager Carrillo gave an update of the survey given out to non-profit organizations for City contributions. Six respondents filled out the survey. City staff will reach out to the non-profit organizations to make a presentation before the Council.

Departments also gave updates before the Council.

Building Official Michael Holmes gave an update for Code Enforcement from January 1 to the end of March. Through that period, there were 274 total Code Enforcement contacts of which 55 were derelict personal property violations. 172 of those contacts were from Office

Robert Brake by himself. Both Code Enforcement officers went to training at the end of March. Mr. Holmes also gave an example of a substandard electrical problem at the Shamrock RV Park at 1061 N. Houston. AEP had done a service disconnect and the Building Department did not allow power to be turned back on until the problem areas were rectified. New and correct electrical work was completed on all 22 RVs with a proper pedestal.

Interim Aquatics Director Jacob Ostrom gave an update on the Aquatics Center. Money was saved in repairing the slides; therefore with the savings, an ADA lift and pool chairs were purchased. The slides should be re-inspected this month. Additionally, statistics were provided on demographics and revenue. While March was slow in terms of attendance, Mr. Ostrom expects there to be an upswing in attendance in June.

Fire Chief Rick Kilgore gave an update on the Fire Department. He stated that the department responded to 115 calls, most being in the City limits. There were six structure fires and fifteen inspections. Firefighter Jason Padron became a certified inspector. Additionally, the brush truck was painted.

Emergency Management Coordinator Bill Haines gave an update on the City's Emergency Operations Plan. Department plans are being compiled into 96-hr, 72-hr, etc. divisions. Mr. Haines has been in contact with HEB's Emergency Management Coordinator about food, which on a contract basis. He also contacted Derrick Construction in regards to the seagates and got ham radios for the City.

Police Chief Eric Blanchard gave an update on the Police Department. He explained that there were 5,487 calls, 1,200 violations, 46 crash reports, and 134 arrests, 16 which were juveniles. There was a robbery at Sunrise Market on January 8 and an aggravated assault at the Crow's Nest. Additionally, a drug take-back box was set up in front of the Police Department and Trash Take-Back days have been held to clean up Stedman Island. Mayor Pro Tem Hyatt asked if there were heroin problems in the City. Chief Blanchard responded that it was starting to come back.

Juan Perales, Jr. of LNV Engineering gave an update on the City's annexation plan. He explained that since the last update, he was able to get electronic data related to annexation. They have to still identify agricultural and other exempt uses. Mayor Pro Tem Hyatt asked for an ETA. Mr. Perales responded that overall, they were within the timeframe.

### 13. CITIZENS' COMMENTS

Name: Donald Brummett

Address:

Concern: Mr. Brummett commented that these types of development problems come up every one to two years and it is coming from the Realtors.

Departments Affected:

Name: Joan Dickson

Address:

Concern: Responded to Mr. Brummett that the building inspector gave her that information.

Departments Affected:

Name: David Harris

Address:

Concern: Wanted to ask the Police Chief how they were curtailing the drug problem in the City. He said he saw it on a day to day basis. He complimented the officers, saying that they were approachable. He also thanked the City for wanting to move forward.

Departments Affected:

Name: Jim Covington

Address:

Concern: Asked who prepared the substandard roads. City Manager Carrillo responded that City staff laid out the roads. Mr. Covington replied back that if the City did the wrong, then the City should make it right.

Departments Affected:

**14. RECESS OPEN MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Mayor Chapa recessed the Open Meeting and retired into Executive Session at 8:55 PM. Council member Gomez left the meeting at this time.

**A. SECTION 551.071 – CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – NAISMITH ENGINEERING – REMOVING FROM ALL REMAINING CITY PROJECTS**

**B. SECTION 551.074 – DELIBERATIONS REGARDING PERSONNEL – MUNICIPAL COURT ASSOCIATE JUDGE – BERNARDO FLORES, JR.**

**15. RECONVENE IN OPEN MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.**

Mayor Chapa reconvened the Open Meeting at 9:09 PM.

**A. SECTION 551.071 – CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – NAISMITH ENGINEERING – REMOVING FROM ALL REMAINING CITY PROJECTS**

Mayor Pro Tem Hyatt made a motion to remove Naismith Engineering from all remaining City projects. Council member Ellis seconded the motion and the motion carried unanimously.

**B. SECTION 551.074 – DELIBERATIONS REGARDING PERSONNEL – MUNICIPAL COURT ASSOCIATE JUDGE – BERNARDO FLORES, JR.**

Mayor Pro Tem Hyatt made a motion to remove Bernardo Flores, Jr. as Municipal Court Associate Judge. Council member Ellis seconded the motion and the motion carried unanimously.

**16. ADJOURNMENT OF MEETING.**

Motion Made By: Council Member Ellis



Seconded By: Mayor Pro Tem Hyatt

Votes: Aye Ellis, Abrego, Hyatt, Gomez, Chapa

Nay:

Mayor Chapa adjourned the meeting at 9:11 PM.

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Adan Chapa, Mayor

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Yvonne Stonebraker, City Secretary